

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

Deposition of: JOSHUA ASSIFF

Date and Time: Friday, April 14, 2023  
10:04 a.m.

Place: 841 Apollo Street  
Suite 100  
El Segundo, California

Reporter: Dorothy M. Simpson, CSR  
Certificate No. 14323

1           A.     It's very vividly, it was a Friday morning,  
2 about 7:40 a.m. I was on my way to basketball practice  
3 to pick up a teammate.

4           Q.     So were you already on your way to the  
5 practice or were you on your way to pick up a teammate?

6           A.     I was right there next to his house right  
7 before I got pulled over and the incident happened.

8           Q.     All right. And typically around September of  
9 2021 when you were on your way to basketball practice in  
10 the morning, what time did you wake up?

11          A.     6:00 a.m.

12          Q.     And is that true of that day as well? You  
13 woke up at around 6:00 a.m.?

14          A.     On 2020 -- on the -- on that day of the  
15 incident? Yes.

16          Q.     And where did you wake up?

17          A.     My house.

18          Q.     Okay. And that's the house on Lexington  
19 Drive?

20          A.     Yes, ma'am.

21          Q.     Okay. And did you ingest any marijuana on  
22 that day prior to the incident?

23          A.     No, ma'am.

24          Q.     Do you consume marijuana?

25          A.     No.

1 A. No.

2 Q. On the day of the incident, September 24th,  
3 2021, did you consume any alcohol?

4 A. No.

5 Q. Can you recall the last time you used  
6 marijuana prior to the date of the incident, September  
7 24th, 2021?

8 A. No.

9 Q. And you didn't smoke any marijuana that  
10 morning?

11 A. No, ma'am.

12 Q. Okay. Do you recall where you were at the  
13 time when you were pulled over?

14 A. Newhall Ranch Road. What is that street  
15 called? Sierra Highway off Newhall Ranch and Sierra  
16 Highway.

17 Q. And approximately how far away is that from  
18 the location where you first got your citation in  
19 approximately 2018?

20 A. Approximately probably 20, 25 minutes.

21 Q. They are both on Newhall Ranch Road but 25  
22 minutes of driving between the two locations?

23 A. One is Canyon Country. That's all the way on  
24 the other side of town.

25 Q. The first time you got a traffic citation in

1 ticket in that area previously?

2 A. Sure. I've seen somebody being pulled over  
3 there before, yes.

4 THE REPORTER: I'm sorry, I've seen what?

5 THE WITNESS: I have seen someone being pulled over  
6 there before, yes.

7 How would I know if they got a ticket; right?  
8 You know.

9 BY MS. GUPTA:

10 Q. Accurate. Okay. Great.

11 Had you ever yourself been pulled over in  
12 that area before?

13 A. No.

14 Q. But you generally knew that to be an area  
15 where there were traffic cops out often?

16 A. Yeah.

17 Q. Okay. All right. So tell me what you were  
18 doing immediately before you approached the intersection  
19 of Newhall Road and Sierra Highway.

20 A. Slowing down, getting ready to make a right-  
21 hand turn on a green light.

22 Q. And were you driving on Newhall or Sierra  
23 Highway?

24 A. I was on Newhall beginning to make right-hand  
25 turn onto Sierra.

1 you did."

2 Q. And do you know approximately how many times  
3 you went back and forth with Sgt. Kelly?

4 A. No.

5 Q. What was your purpose in telling Sgt. Kelly  
6 that you hadn't run a red light?

7 A. I didn't think I ran a red light. It was  
8 green. That's exactly why. I didn't believe I was in  
9 the wrong.

10 Q. Okay. And once he told you that he didn't  
11 believe you or that he thought you had ran the red  
12 light, what was your purpose of continuing to argue with  
13 Sgt. Kelly?

14 A. It wasn't an argument.

15 Q. What were you doing when you say over and  
16 over again that you did not?

17 A. I was explaining to him what was happening.  
18 He didn't let me finish my story really. It was a very  
19 small amount of time. So as you could tell from the  
20 video. Wasn't any time for there being an argument.

21 Q. I understand that. I'm just trying to ask  
22 your recollection of it.

23 A. Uh-huh.

24 Q. And so you stated one time that you did not  
25 run the red light, and then obviously Sgt. Kelly as you

1 Sgt. Kelly was saying?

2 A. In the beginning, it sounds a little too  
3 muffled when he's getting off the bike. I can't -- it  
4 doesn't really seem like intangible -- or not  
5 intangible -- intelligible to what he's saying. I can't  
6 really tell what he's saying.

7 Q. And then what's the first audible sentence  
8 that you hear on the video?

9 A. Play it for me again one more time? I'm  
10 sorry.

11 (Video playing.)

12 BY MS. GUPTA:

13 Q. Is it accurate that the first audible words  
14 that can be heard are your saying "Officer" with a  
15 questioning look on your face?

16 A. Yeah.

17 Q. And what were you trying to communicate when  
18 you said that?

19 A. That I didn't -- I didn't run the red light,  
20 that it was a green light.

21 Q. So prior to you saying the word "Officer"  
22 with a questioning look on your face and a hand gesture  
23 that seemed to also indicate that you were questioning  
24 the stop, had Sgt. Kelly said anything about the reason  
25 why he had stopped you?

1 Q. Okay. And he doesn't just make a request;  
2 does he? He actually tells you that if you don't comply  
3 with his request, you are going to go to jail. Do you  
4 agree that that's what he says?

5 A. Yes, that's what he said.

6 Q. Okay. And obviously --. No. Strike that.

7 Did you agree with him that if you did not  
8 provide your driver's license that you should go to  
9 jail?

10 A. No, I did not agree with all that. No.

11 Q. Okay.

12 A. I do not think I should go to jail for that.  
13 No.

14 Q. And is there a reason why between the first  
15 request for the driver's license and the second request  
16 for the driver's license you did not hand it over to  
17 Sgt. Kelly?

18 A. We were having an argument. I was trying to  
19 explain to him that I did not run the red light. I  
20 thought it was green. I thought I was in the right.

21 Q. And is it -- would it be accurate to say that  
22 you didn't hand him the driver's license because you  
23 thought that if you hand it to him, he would then just  
24 walk away and start writing you a ticket?

25 A. No. The reason I didn't hand him my license

1 pipe?

2 A. I can't recall.

3 Q. Had -- did you ever keep the marijuana pipe  
4 in your vehicle?

5 A. I can't recall.

6 Q. Had you ever smoked marijuana in your vehicle  
7 prior to the date of the incident?

8 A. No.

9 Q. Are you -- do you know one way or the other  
10 whether there was a marijuana pipe in your vehicle on  
11 the date of the incident?

12 A. Yes, there was.

13 Q. And is that the same marijuana pipe that you  
14 had purchased?

15 A. Yes.

16 Q. And when was the last time you had used it  
17 prior to the date of the incident?

18 A. I have no idea.

19 Q. What was it doing in your car?

20 A. Sitting there collecting dust.

21 Q. Okay. Why was it in your car? Had you ever  
22 used it in your car before?

23 A. No. Just in my car. I didn't want to take  
24 it inside my house.

25 Q. And did you typically smoke marijuana in your

1 ground while he's telling me to get onto my stomach, he  
2 has -- it looks like he has his knee like on me.

3 So when I am on my side, I'm on my left arm,  
4 so I can't move, and he's telling me to shut the fuck up  
5 and to get on my stomach, but I can't because he's  
6 literally forcing me down. I'm trying to move. So they  
7 are trying to make it seem like I'm struggling, so they  
8 can abuse me more.

9 I was -- I was never --. There was no --  
10 there was no fight. It wasn't me, you know, besides me  
11 pulling my arm back, none of that. While all that was  
12 going on, I didn't kick, I didn't punch, nothing. You  
13 know? So, yeah.

14 Q. Okay. You mentioned that there's a -- you  
15 can see a knee on you. But now just from your  
16 recollection, outside of what you recall seeing on the  
17 video, do you know which part of your body the knee was  
18 on?

19 A. It was on my side.

20 Q. Touching?

21 A. It would have been on my side, on my opposite  
22 side, because I was on one side, so, I mean, the knee  
23 would have been -- I'm not 100 percent recollection,  
24 maybe on like my rib cage. I'm not 100 sure. Don't  
25 know.

1 DEPOSITION OFFICER'S CERTIFICATION

2 I, DOROTHY M. SIMPSON, CSR No. 14323,

3 Certified Shorthand Reporter, certify:

4 That the foregoing proceedings were taken  
5 before me at the time and place therein set forth, at  
6 which time the witness declared under penalty of  
7 perjury; that the testimony of the witness and all  
8 objections made at the time of the examination were  
9 recorded stenographically by me and were thereafter  
10 transcribed under my direction and supervision;

11 That the foregoing is a full, true, and  
12 correct transcript of my shorthand notes so taken and of  
13 the testimony so given;

14 (X) Reading and signing was requested.

15 ( ) Reading and signing was waived.

16 ( ) Reading and signing was not requested.

17 I further certify that I am not financially  
18 interested in the action, and I am not a relative or  
19 employee of any attorney of the parties, nor of any of  
20 the parties.

21 I declare under penalty of perjury under the  
22 laws of California that the foregoing is true and  
23 correct. Dated this 25th day of April, 2023.

24



25

Dorothy M. Simpson, CSR No. 14323